

10/532824

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | |
|---|---|---|
| Applicant's or agent's file reference som. 2558.pct.kv.d | FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. | |
| International application No. PCT/GB 03/04580 | International filing date (day/month/year) 24/10/2003 | (Earliest) Priority Date (day/month/year) 26/10/2002 |
| Applicant SOMMERVILLE, Marie | | |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing :
 - contained in the international application in written form.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority in written form.
 - furnished subsequently to this Authority in computer readable form.
 - the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. Certain claims were found unsearchable (See Box I).

3. Unity of invention is lacking (see Box II).

4. With regard to the title,

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

INSECT REPELLENT BASED ON A MIXTURE OF ESSENTIAL OILS

5. With regard to the abstract,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

- as suggested by the applicant.
- because the applicant failed to suggest a figure.
- because this figure better characterizes the invention.

None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 03/04580

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A01N65/00 // (A01N65/00, 65:00)

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHEDMinimum documentation searched (classification system followed by classification symbols)
IPC 7 A01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, CHEM ABS Data, BIOSIS, COMPENDEX**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---|-----------------------|
| A | US 5 106 622 A (SHERWOOD KAREN ET AL) 21 April 1992 (1992-04-21) column 3, line 36 - line 39 column 3, line 58 - line 67 --- | 2-25, 27-42 |
| A | WO 91 15118 A (PRIMAVERA LAB INC) 17 October 1991 (1991-10-17) page 5, paragraph 2; table 2 --- | 2-25, 27-42 |
| A | DATABASE WPI Section Ch, Week 199748 Derwent Publications Ltd., London, GB; Class C03, AN 1997-513653 XP002270148 & CN 1 125 092 A (WANG J), 26 June 1996 (1996-06-26) abstract ----- | 2-25, 27-42 |

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

& document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

12 February 2004

08/03/2004

Name and mailing address of the ISA

Authorized officer

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl
Fax: (+31-70) 340-3016

Molina de Alba, J

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1,26

Present claims 1 and 26 relate to an insect repellent composition, comprising a mixture of essential oils in a carrier oil or in a base cream.

The claims cover a huge number of compositions, whereas the application provides support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT for only a very limited number of such compositions, namely for compositions comprising all of the five essential oils mentioned in claims 2, 13, or 27. In the present case, claims 1 and 26 so lack support, and the application so lacks disclosure.

Independent of the above reasoning, the claims also lack clarity (Article 6 PCT): The tests carried out by the Applicant in order to measure the repellency efficacy of the claimed compositions with regard to other insect repellents, comprises the comparison with a neem based commercial composition containing concentrated solutions of eucalyptus, bergamot, and rosemary. This comparative neem based repellent showed the poorest efficacy and the Applicant clearly considers it as not belonging to the invention (cf. pg. 13, l. 21-29 and pg. 14, l. 25-30 of the description). It appears however, that the mentioned comparative repellent falls under the definition of Claim 1. This inconsistency renders the scope of the claims unclear, particularly of claims 1 and 26.

Furthermore, the applicant's attention is drawn to the fact, that insect repellent compositions comprising a mixture of essential oils in a carrier oil or in a base cream are well known in the art (e.g. commercial neem based repellent of the comparative test and the presently cited documents) and the initial phase of the search already revealed a very large number of documents relevant to the issue of novelty.

The combination of unclarity and lack of novelty renders a meaningful search over the whole breath of claims 1 and 26 impossible. Consequently, the search has been restricted to:

Compositions comprising a mixture of lime oil, myrtle, citronella oil, eucalyptus oil, and neem oil. Accordingly, present Claim 13 has been considered to be the independent claim and claims 2-12, 14-25, and 27-42 have been regarded as depending upon Claim 13.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. X

INTERNATIONAL SEARCH REPORT

International application No.
PCT/GB 03/04580

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos.: 1,26 because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210

3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 03/04580

| Patent document cited in search report | | Publication date | | Patent family member(s) | | Publication date |
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| | | | DE | 69110671 D1 | | 27-07-1995 |
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| | | | GR | 3017244 T3 | | 30-11-1995 |
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| | | | US | 5648398 A | | 15-07-1997 |
| | | | US | 5227406 A | | 13-07-1993 |
| CN 1125092 | A | 26-06-1996 | NONE | | | |